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Safeway, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

LACHLAN WATERBURY, KEN)	Case No.: C 06 02072 JL
FAROTTE, individually, and on behalf)	
of all others similarly situated,)	<u>CLASS ACTION</u>
)	
Plaintiffs,)	<u>STIPULATED PROPOSED ORDER</u>
)	<u>DISMISSING CASE WITHOUT</u>
vs.)	<u>PREJUDICE AND REMOVING PENDING</u>
)	<u>HEARING DATES</u>
SAFEWAY, INC., and DOES 1 through)	
25, inclusive,)	
)	Judge: Hon. James Larson
Defendants.)	
_____)	

WHEREAS Plaintiffs Lachlan Waterbury and Ken Farotte (“Plaintiffs”) and Defendant Safeway, Inc. (“Safeway”) have agreed to litigate all of Plaintiffs’ individual claims in the pending Alameda County Superior Court case entitled *Farotte v. Safeway, Inc.* (Case Number RG05205915);

WHEREAS on February 9, 2009, Plaintiffs Lachlan Waterbury and Ken Farotte filed a Motion for Dismissal Without Prejudice of the current matter, setting the same for hearing on March 18, 2009 at 9:30 a.m.;

WHEREAS neither party is requesting a hearing on Plaintiffs' Motion for Dismissal Without Prejudice and Defendant does not oppose said motion or the relief Plaintiffs requested therein;

WHEREAS there is currently a Case Management Conference scheduled to take place in this matter on February 18, 2009;

IT IS THEREFORE STIPULATED AND AGREED, by and between the parties hereto through their attorneys of record, and subject to the approval of the Court pursuant to Local Rule 6-2, as follows:

1. This action is dismissed without prejudice;
2. No notice to putative class members is required;
3. The parties shall bear their own costs;
4. The February 18, 2009 Case Management Conference and the March 18, 2009 hearing for Plaintiffs' Motion for Dismissal Without Prejudice shall both be removed from the Court's calendar.

IT IS SO STIPULATED, THROUGH COUNSEL.

Dated: February 11, 2009

By: /s/ Kevin R. Allen
Kevin R. Allen, Esq.
SCOTT COLE & ASSOCIATES, APC
Attorneys for Plaintiffs

Dated: February 11, 2009

By: /s/ Laura E. Hayward
Laura E. Hayward, Esq.
LITTLER MENDELSON, APC
Attorneys for Defendant Safeway, Inc.

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3 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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5 Dated: February 12, 2009

By:


Honorable James Larson
United States Magistrate Judge

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